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Crl.R.C.(MD).No.1217 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.12.2022

CORAM

THE HONOURABLE MR. JUSTICE G.ILANGO VAN

Crl.R.C.(MD).No.1217 of 2022

L.Pandi.

... Petitioner

Vs.

State through Inspector of Police,
Vigilance and Anti-Corruption,
Pudukottai,
Cr.No.2 of 2017.

... Respondents

PRAYER: This Criminal Revision Case is filed under Sections 397 and 401 of the Criminal Procedure Code, to call for the records and set aside and revise the order of dismissal of Lower Court in Cr.M.P.No.702 of 2020 in C.C.No.3 of 2020 on the file of the Chief Judicial Magistrate, Pudukottai Special Court for Vigilance and Anti-Corruption Cases, Pudukottai by allowing the petition for discharge.

For Petitioner : Mr.K.Sundaravel

For Respondent : Mr.A.Thiruvadikumar
Additional Public Prosecutor

ORDER

This Criminal Revision Case has been filed against the order passed in Cr.M.P.No.702 of 2020 in C.C.No.3 of 2020 on the file of the Chief Judicial Magistrate, Pudukottai Special Court for Vigilance and Anti-



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Corruption Cases, Pudukottai.

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2.The case of the prosecution in brief:

The first accused namely Premalatha was working as Public Relations Officer at District Collectorate, Pudukottai. The second accused was working as Film Projector Operator. The fourth accused who is the petitioner herein was working as Assistant Public Relations Officer in Sivagangai, from 28.10.2009 to 26.06.2013. The third accused namely Boominathan was a private person. The second accused was searching for a job and he is a relative of this petitioner. The first accused obtained huge bribe amount from the second accused and made recommendation for appointing him as a Film Projector Operator during the period of 2014. A fake certificate was produced by the second accused that was obtained from third accused and the fourth accused namely the petitioner herein made all the arrangements and instigated and abetted the third accused to issue the above said false certificate, knowing fully well that the third accused was not authorised person to issue such a certificate. On the basis of the above said fake certificate, second accused was appointed as Film Projector Operator and thereby, all the accused persons were implicated as accused persons under Sections 467, 468, 471, 420 IPC and 13(2) r/w Section 13(1)



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(c) of Prevention of Corruption Act and U/s.109 IPC.

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3.This revision petitioner has filed discharge petition before the trial Court, that came to be dismissed by the order, dated 06.08.2022. Challenging the above said order, this revision petition has been preferred by the petitioner, setting out very many grounds.

4.The learned counsel for the petitioner submitted that except the confession statement of co-accused, no other material has been collected during the course of investigation to implicate this petitioner as one of the accused. Even as per the case of the prosecution, this petitioner is not involved in bribe, demanding or taking. According to him, only the vague and bald allegations have been made to the effect that at his instigation or abetment only the third accused issued the above said fake certificate.

5.Per contra, the learned Additional Public Prosecutor submitted that only on the basis of the recommendation made by the first accused, the appointment for the second accused was made, that too on the basis of the false or fake certificate issued by the third accused. To implicate this petitioner for abetment of the above said offence, the statement of one



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Maheshwari, who is the wife of third accused is available on record.

According to the learned Additional Public Prosecutor, the above said Maheshwari has given a statement that only at the instigation or abetment of this petitioner, the above said certificate was issued by the third accused. According to him, this is sufficient to implicate this petitioner in this case and that apart he is a close relative of the second accused. Only this petitioner made all the arrangements for the purpose of getting false certificate and later appointment order.

6.The entire records has been called for and perused.

7.It is not in dispute that the second accused was appointed as Film Projector Operator in the Collectorate of Sivagangai. Originally the statement of the third accused was recorded and from that statement, the Investigating Officer came to the know that he is also involved in the above said issuance of the fake certificate. So later he was roped as an accused. As mentioned above one Maheshwari, who is the wife of the third accused has given a statement implicating this petitioner.

8.Whether this petitioner is involved or not in the above said



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abatement of issuing false certificate is a matter for consideration only at the time of trial. The veracity of the statement of the above said Maheshwari cannot be tested at this stage by this Court exercising its revisional jurisdiction. Perusal of the order that has been passed by the trial Court shows that it does not suffer from any irregularity or illegality. Since the factual circumstances are available in the form of circumstantial evidence and oral evidence of the above said Maheshwari, the contention that no material is available to rope this petitioner into the above said offence and no allegation of bribery has been made against the petitioner are not sufficient enough to discharge this petitioner from the prosecution.

9.The prosecution must be taken to its logical conclusion. Offences of this nature requires thorough trial process. I find absolutely no merits in this revision. This revision petition deserves to be dismissed.

10.Accordingly, this criminal revision petition is dismissed.

22.12.2022

Index : Yes / No
Internet : Yes / No
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To

- 1.The Chief Judicial Magistrate, Pudukottai Special Court for Vigilance and Anti-Corruption Cases, Pudukottai.
- 2.The Inspector of Police,
Vigilance and Anti-Corruption,
Pudukottai,
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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G.ILANGO VAN,J.

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